



Cowan, Liebowitz & Latman, P.C.
114 West 47th Street
New York, NY 10036

(212) 790-9200 Tel
(212) 575-0671 Fax
www.cll.com

Kieran G. Doyle
(212) 790-9261
kgd@cll.com

December 12, 2018

Via ECF and Facsimile

Hon. Nelson S. Roman, U.S.D.J.
United States District Court
Southern District of New York
United States Courthouse
300 Quarropas Street, Courtroom 218
White Plains, NY 10601

Re: In re: DMCA Section 512(h) Subpoena To YouTube (Google, Inc.)
Case No. 7:18-mc-00268-NSR (S.D.N.Y.)
Our Ref: 31653.000

Dear Hon. Judge Roman:

This firm represents Watch Tower Bible and Tract Society of Pennsylvania ("Watch Tower"). We write regarding a subpoena issued to YouTube (Google, Inc.) (hereafter "Google") on behalf of Watch Tower.

By way of background, on June 6, 2018, Watch Tower notified Google that an anonymous and unauthorized third-party was infringing Watch Tower's copyright in video materials and that such infringement had begun even before Watch Tower had the chance to release those materials itself. Watch Tower then requested, and on June 19, 2018 the Court issued, a DMCA §512(h) Subpoena requiring Google to identify the anonymous infringer. The return date was July 15, 2018. As of July 26, 2018, Watch Tower had not received any of the requested information and wrote to Google requesting compliance. On August 22, over a month after the return date, and well after the 14 day objection deadline set by Rule 45, the anonymous infringer wrote to the Court requesting a pre-motion conference to address three items: (1) his failure to seek to quash the subpoena until more than a month after the return date; (2) his desire to continue to hide his identity through pseudonymous litigation as "John Doe"; and (3) his desire that the Court quash the subpoena. Watchtower submitted a letter in response on August 27, 2018.

The Court has, so far, not granted John Doe's request for a pre-motion conference.

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Hon. Nelson S. Roman, U.S.D.J.

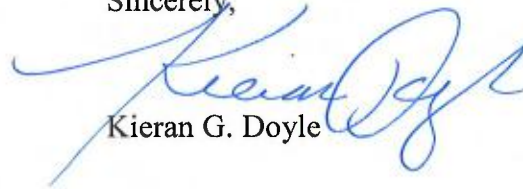
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On November 19, I wrote to Google to ask whether it intended to produce the subpoenaed documents and information. Over the course of several emails and telephone calls, Google and its outside counsel have advised me that absent a determination from the Court as to whether it will grant John Doe's untimely request for a pre-motion conference, Google will not provide any documents of information. Accordingly, Watch Tower requests that the Court provide Google the guidance it requires and, moreover requests that the Court do so by denying John Doe's untimely request for a pre-motion conference.

Sincerely,



Kieran G. Doyle